UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GAMAL ABDELAZIZ, Plaintiff, -against- CITY OF NEW YORK, MILKO MEJIA, Individually, VINCENT MUGNO, Individually, MICHAEL SALICE, Individually, JOSEPH DIGENNARO, Individually, GEORGE CHIN, Individually, RICHARD BENBOW, Individually, and JOHN and JANE DOE 1 through 10, Individually (the names John and Jane Doe being fictitious, as the true names are presently unknown), Defendants.	**AMENDED COMPLAINT** 13 CV 7268 (SJ) (VMS) Jury Trial Demanded

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Plaintiff GAMAL ABDELAZIZ, by his attorneys, Leventhal & Klein, LLP, complaining of the defendants, respectfully alleges as follows:

Preliminary Statement

1. Plaintiff brings this action for compensatory damages, punitive damages and attorneys' fees pursuant to 42 U.S.C. §§1983 and 1988 for violations of his civil rights, as said rights are secured by said statutes and the Constitution of the United States. Plaintiff also asserts supplemental state law claims.

JURISDICTION

2. This action is brought pursuant to 42 U.S.C. §§ 1983 and 1988, and the Fourth and Fourteenth Amendments to the United States Constitution.

3. Jurisdiction is found upon 28 U.S.C. §§1331, 1343 and 1367.

VENUE

4. Venue is properly laid in the Eastern District of New York under 28 U.S.C. § 1391(b), in that this is the District in which the claim arose.

JURY DEMAND

5. Plaintiff respectfully demands a trial by jury of all issues in this matter pursuant to Fed. R. Civ. P. 38 (b).

PARTIES

6. Plaintiff GAMAL ABDELAZIZ is a fifty-eight year old American citizen of Middle Eastern descent.

7. Defendant CITY OF NEW YORK was and is a municipal corporation duly organized and existing under and by virtue of the laws of the State of New York.

8. Defendant CITY OF NEW YORK maintains the New York City Police Department (hereinafter referred to as "NYPD), a duly authorized public authority and/or police department, authorized to perform all functions of a police department as per the applicable sections of the aforementioned municipal corporation, CITY OF NEW YORK.

9. That at all times hereinafter mentioned, the individually named defendants, MILKO MEJIA, VINCENT MUGNO, MICHAEL SALICE, JOSEPH DIGENNARO, GEORGE CHIN, RICHARD BENBOW, and JOHN and JANE DOE 1 through 10, were duly sworn police officers of said department and were acting under the supervision of said department and according to their official duties.

10. That at all times hereinafter mentioned the defendants, either personally or through their employees, were acting under color of state law and/or in compliance with the official rules, regulations, laws, statutes, customs, usages and/or practices of the State of New

York and/or the City of New York.

11. Each and all of the acts of the defendants alleged herein were done by said defendants while acting within the scope of their employment by defendant CITY OF NEW YORK.

FACTS

12. On September 24, 2012 at approximately 4:50 p.m., plaintiff GAMAL ABDELAZIZ was lawfully present in the parking lot behind a supermarket located at 195-25 69th Avenue, Fresh Meadows, Queens County, New York, waiting for his wife, who was shopping in the store.

13. A vehicle driven by defendant NYPD Officer MILKO MEJIA pulled behind plaintiff's car, beeping its horn.

14. In response, plaintiff moved his vehicle so that MEJIA's vehicle could pass.

15. MEJIA beeped his horn again.

16. In response, plaintiff moved again.

17. At that time, MEJIA pulled around and said to plaintiff, "you fucking asshole."

18. Plaintiff replied by saying to MEJIA that MEJIA was the "asshole."

19. After this exchange, plaintiff pulled his car out to go to the front of the store to pick up his wife.

20. Before plaintiff got to the front of the store, MEJIA, stopped his vehicle in front of plaintiff's vehicle, and then got out of his car, approaching plaintiff. MEJIA was cursing at plaintiff, causing plaintiff to believe that that MEJIA was going to punch him.

21. Plaintiff exited his vehicle and asked MEJIA why he was cursing, reminding MEJIA that he pulled over for him to pass.

22. At that time, MEJIA identified himself as an NYPD police officer, displaying his badge.

23. Plaintiff, who has an Egyptian accent, responded by saying, in sum and substance, that MEJIA's badge didn't give him the right to curse at plaintiff.

24. MEJIA then stated to plaintiff, "you're a terrorist piece of shit" and "go back home."

25. Asserting his authority as an NYPD officer, MEJIA demanded plaintiff's keys and his license.

26. Plaintiff responded that he would not give his keys to MEJIA.

27. MEJIA then demanded plaintiff's license.

28. Plaintiff then demanded MEJIA's badge number.

29. MEJIA responded by saying "I'm not going to give you shit."

30. MEJIA went to his car, and then returned to plaintiff's location shortly thereafter, again displaying his NYPD badge. MEJIA stated, in sum and substance, that his son was in the car. In response, plaintiff stated in sum and substance that it was wrong to show his son that he can curse at people because he has a badge.

31. Plaintiff stated to MEJIA that he wanted his badge number so that he could make a complaint.

32. In response, MEJIA brutally kicked plaintiff in the testicles, and then repeatedly struck plaintiff in the face, causing plaintiff to fall to the ground, where the beating continued.

33. Plaintiff got up and walked to the back of his car, where MEJIA followed plaintiff and continued to beat him. Plaintiff attempted to get in his car, at which time MEJIA continued to assault plaintiff.

34. At some point after MEJIA stopped beating plaintiff, responding police officers VINCENT MUGNO, MICHAEL SALICE, JOSEPH DIGENNARO, GEORGE CHIN, and RICHARD BENBOW arrived at the location.

35. When the responding NYPD officers arrived, they falsely arrested plaintiff.

36. When plaintiff asked why he was being arrested, he was informed that he purportedly "argued with a Sergeant."

37. Plaintiff, who was bleeding and otherwise visibly injured and in need of medical treatment from the beating inflicted on him by MEJIA, stated that he needed an ambulance.

38. Plaintiff's request was ignored.

39. Instead of investigating the incident to determine what happened and whether plaintiff, the victim of MEJIA's brutal assault, wished to press charges, officers MUGNO, SALICE, DIGENNARO, CHIN, and BENBOW, deliberately failed to investigate, dissuading eyewitnesses to MEJIA's unprovoked beating of plaintiff who were on the scene and at the precinct, and ignored exculpatory evidence, all in furtherance of a conspiracy to cover up the abuse of authority and other misconduct of a fellow officer.

40. Plaintiff was taken in handcuffs to the NYPD 107th precinct under arrest.

41. An ambulance was eventually called, which transported plaintiff to New York Hospital in Queens on a long board and in a cervical collar, where plaitniff received some initial treatment for his scrotal injury, facial and neck injuries, and other complaints, including, without limitation, dizziness, bleeding, headaches, and back pain.

42. Two detectives from, upon information and belief, the NYPD Internal Affairs Bureau, responded to the hospital pursuant to NYPD protocol when a prisoner is injured in custody. Instead of making efforts to determine if excessive force was used on plaintiff, they

didn't ask what happened, and instead stated that they were siding with defendant MEJIA.

43. After plaintiff's release from the hospital, he remained in police custody, and was eventually transported to Queens Central Booking pending his arraignment on criminal charges.

44. Plaintiff was thereafter arraigned the next day in Queens County Criminal Court under docket number 2012QN051677, wherein defendant MUGNO swore to and signed a criminal court complaint which contained manufactured and false allegations asserted by MUGNO and MEJIA. For instance, defendant MUGNO falsely swore that he was observed purported injuries to MEJIA'S face. He also swore to manufactured allegations on behalf of MEJIA, including allegations, among others, that plaintiff purportedly punched MEJIA in the face and that he banged on MEJIA's car. The aforementioned allegations were false, manufactured, and created by MEJIA and MUGNO to cover up the above mentioned acts of brutality and abuse of authority, and to otherwise avoid punishment for said acts of brutality by the NYPD or other investigative bodies.

45. As a result of the manufactured allegations, plaintiff returned to court on approximately three occasions.

46. On January 23, 2013, the matter was sealed pursuant to New York Criminal Procedure Law Section 160.55 after a non-criminal disposition was entered.

47. Defendants SALICE and DIGENNARO held the rank of sergeant, supervised defendants MEJIA, MUNGO, CHIN, BENBOW, and JOHN and JANE DOE 1 through 10, and were present for plaintiff's arrest, and participated in the unlawful arrest of plaintiff by sanctioning and approving of said arrest, and failing to ensure that the incident was properly investigated.

48. Defendants MEJIA, MUGNO, SALICE, DIGENNARO, CHIN, BENBOW, and

JOHN and JANE DOE 1 through 10 either directly participated in the above illegal acts or failed to intervene in them despite a meaningful opportunity to do so.

49. All of the above occurred as a direct result of the unconstitutional policies, customs or practices of the City of New York, including, without limitation, the inadequate screening, hiring, retaining, training and supervising its employees; and pursuant to customs or practices of falsification, of lax investigations of police misconduct, and of covering up abuse by fellow officers.

50. The aforesaid event is not an isolated incident. Defendant CITY OF NEW YORK is aware (from lawsuits, notices of claims, and complaints field with the NYPD's Internal Affairs Bureau, and the CITY OF NEW YORK'S Civilian Complaint Review Board) that many NYPD officers, including the defendants, are insufficiently trained regarding the use of force, engage in a practice of falsification, and engage in cover ups of police abuse.

51. Defendant CITY OF NEW YORK is further aware that such improper training has often resulted in a deprivation of civil rights. Despite such notice, defendant CITY OF NEW YORK has failed to take corrective action. This failure caused the officers in the present case to violate the plaintiffs' civil rights.

52. Moreover, upon information and belief, defendant CITY OF NEW YORK was aware, prior to the incident, that the individual defendants lacked the objectivity, temperament, maturity, discretion, and disposition to be employed as police officers. Despite such notice, defendant CITY of NEW YORK has retained these officers, and failed to adequately train, discipline, and supervise them.

53. Plaintiff continues to suffer from vertigo, dizziness, headaches, neck pain, numbness, and other ailments arising from MEJIA's unprovoked attack, and has been forced to

ingest medications and to undergo medical treatment and therapy for his injuries.

54. As a result of the foregoing, plaintiff GAMAL ABDELAZIZ sustained, *inter alia*, physical injuries which are progressive and apparently permanent, emotional distress, and deprivation of his constitutional rights.

Federal Claims

AS AND FOR A FIRST CAUSE OF ACTION
(Deprivation of Rights Under 42 U.S.C. § 1981 and 1983)

55. Plaintiff repeats, reiterates, and realleges each and every allegation contained in paragraphs "1" through "54" with the same force and effect as if fully set forth herein.

56. All of the aforementioned acts of defendants, their agents, servants and employees were carried out under the color of state law.

57. All of the aforementioned acts deprived plaintiff GAMAL ABDELAZIZ of the rights, privileges and immunities guaranteed to citizens of the United States by the Fourth and Fourteenth Amendments to the Constitution of the United States of America, and in violation of 42 U.S.C. §1983.

58. The acts complained of were carried out by the aforementioned individual defendants in their capacities as police officers, with the entire actual and/or apparent authority attendant thereto.

59. The acts complained of were carried out by the aforementioned individual defendants in their capacities as police officers, pursuant to the customs, usages, practices, procedures, and the rules of the CITY OF NEW YORK and the New York City Police Department, all under the supervision of ranking officers of said department.

60. Defendants, collectively and individually, while acting under color of state law,

engaged in conduct that constituted a custom, usage, practice, procedure or rule of the respective municipality/authority, which is forbidden by the Constitution of the United States.

61. As a result of the foregoing, plaintiff GAMAL ABDELAZIZ is entitled to compensatory damages in an amount to be fixed by a jury, and is further entitled to punitive damages against the individual defendants in an amount to be fixed by a jury, plus reasonable attorneys' fees, costs and disbursements of this action.

AS AND FOR A SECOND CAUSE OF ACTION
(Excessive Force under 42 U.S.C. § 1983)

62. Plaintiff repeats, reiterates, and realleges each and every allegation contained in paragraphs numbered "1" through "61" with the same force and effect as if fully set forth herein.

63. The level of force employed by defendants was excessive, objectively unreasonable and otherwise in violation of plaintiff GAMAL ABDELAZIZ'S constitutional rights.

64. As a result of the aforementioned conduct of defendants, plaintiff GAMAL ABDELAZIZ was subjected to excessive force and sustained serious physical injuries and emotional distress.

65. As a result of the foregoing, plaintiff GAMAL ABDELAZIZ is entitled to compensatory damages in an amount to be fixed by a jury, and is further entitled to punitive damages against the individual defendants in an amount to be fixed by a jury, plus reasonable attorneys' fees, costs and disbursements of this action.

AS AND FOR A THIRD CAUSE OF ACTION
(Violation of Right to Fair Trial under 42 U.S.C. § 1983)

66. Plaintiff repeats, reiterates, and realleges each and every allegation contained in paragraphs numbered "1" through "65" with the same force and effect as if fully set forth herein.

67. Defendants created false evidence against plaintiff GAMAL ABDELAZIZ.

68. Defendants utilized this false evidence against plaintiff GAMAL ABDELAZIZ in legal proceedings.

69. As a result of defendants' creation and use of false evidence, plaintiff GAMAL ABDELAZIZ suffered a violation of his constitutional rights to a fair trial, as guaranteed by the United States Constitution.

70. As a result of the foregoing, plaintiff GAMAL ABDELAZIZ is entitled to compensatory damages in an amount to be fixed by a jury, and is further entitled to punitive damages against the individual defendants in an amount to be fixed by a jury, plus reasonable attorneys' fees, costs and disbursements of this action.

AS AND FOR A FOURTH CAUSE OF ACTION
(Failure to Intervene under 42 U.S.C. § 1983)

71. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs numbered "1" through "70" with the same force and effect as if fully set forth herein.

72. Defendants had an affirmative duty to intervene on behalf of plaintiff GAMAL ABDELAZIZ, whose constitutional rights were being violated in their presence by other officers.

73. The defendants failed to intervene to prevent the unlawful conduct described herein.

74. As a result of the foregoing, plaintiff GAMAL ABDELAZIZ was subjected to excessive force, he was denied his right to a fair trial, and he was put in fear of his safety.

75. As a result of the foregoing, plaintiff GAMAL ABDELAZIZ is entitled to compensatory damages in an amount to be fixed by a jury, and is further entitled to punitive damages against the individual defendants in an amount to be fixed by a jury, plus reasonable

attorneys' fees, costs and disbursements of this action.

AS AND FOR A FIFTH CAUSE OF ACTION
(Malicious Abuse of Process under 42 U.S.C. § 1983)

76. Plaintiff repeats, reiterates, and realleges each and every allegation contained in paragraphs numbered "1" through "75" with the same force and effect as if fully set forth herein.

77. Defendants issued criminal process against plaintiff GAMAL ABDELAZIZ by causing his arrest and prosecution in a criminal court.

78. Defendants caused plaintiff GAMAL ABDELAZIZ to be arrested and prosecuted in order to obtain a collateral objective outside the legitimate ends of the legal process, to wit: to avoid punishment for their acts of brutality, and thereby violated plaintiff's right to be free from malicious abuse of process.

79. As a result of the foregoing, plaintiff GAMAL ABDELAZIZ is entitled to compensatory damages in an amount to be fixed by a jury, and is further entitled to punitive damages against the individual defendants in an amount to be fixed by a jury, plus reasonable attorneys' fees, costs and disbursements of this action.

AS AND FOR AN SIXTH CAUSE OF ACTION
(Supervisory Liability under 42 U.S.C. § 1983)

80. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs numbered "1" through "79" with the same force and effect as if fully set forth herein.

81. The supervisory defendants personally caused plaintiff's constitutional injury by being deliberately or consciously indifferent to the rights of others in failing to properly supervise and train their subordinate employees.

82. As a result of the foregoing, plaintiff GAMAL ABDELAZIZ is entitled to compensatory damages in an amount to be fixed by a jury, and is further entitled to punitive

damages against the individual defendants in an amount to be fixed by a jury, plus reasonable attorneys' fees, costs and disbursements of this action.

AS AND FOR A SEVENTH CAUSE OF ACTION
(Municipal Liability under 42 U.S.C. § 1983)

83. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs numbered "1" through "82" with the same force and effect as if fully set forth herein.

84. Defendants, collectively and individually, while acting under color of state law, engaged in conduct that constituted a custom, usage, practice, procedure or rule of the respective municipality/authority, which is forbidden by the Constitution of the United States.

85. The aforementioned customs, policies, usages, practices, procedures and rules of the City of New York Police Department included, but were not limited to, using excessive force against individuals and then covering up said acts by manufacturing evidence and otherwise engaging in falsification, thereby depriving individuals of their right to a fair trial. In addition, the City of New York engaged in a policy, custom or practice of inadequate screening, hiring, retaining, training and supervising its employees that was the moving force behind the violation of plaintiff GAMAL ABDELAZIZ'S rights as described herein. As a result of the failure of the City of New York to properly recruit, screen, train, discipline, and supervise its officers, including the individual defendants, defendant CITY OF NEW YORK has tacitly authorized, ratified, and has been deliberately indifferent to, the acts and conduct complained of herein.

86. The foregoing customs, policies, usages, practices, procedures and rules of the City of New York and the New York Police Department constituted deliberate indifference to the safety, well-being and constitutional rights of plaintiff GAMAL ABDELAZIZ.

87. The foregoing customs, policies, usages, practices, procedures and rules of the

City of New York and the New York City Police Department were the direct and proximate cause of the constitutional violations suffered by plaintiff GAMAL ABDELAZIZ as alleged herein.

88. The foregoing customs, policies, usages, practices, procedures and rules of the City of New York and the New York City Police Department were the moving force behind the Constitutional violations suffered by plaintiff GAMAL ABDELAZIZ as alleged herein.

89. As a result of the foregoing customs, policies, usages, practices, procedures and rules of the City of New York and the New York City Police Department, plaintiff GAMAL ABDELAZIZ was unlawfully seized, detained, incarcerated, searched, prosecuted, and subjected to physical abuse.

90. Defendants, collectively and individually, while acting under color of state law, were directly and actively involved in violating plaintiff GAMAL ABDELAZIZ'S constitutional rights.

91. All of the foregoing acts by defendants deprived plaintiff GAMAL ABDELAZIZ of federally protected rights, including, but not limited to, the right:

A. To be free from excessive force;

B. To be free from deprivation of his right to a fair trial;

C. To be free from malicious abuse of process, and;

D. To be free from the failure to intervene;

92. As a result of the foregoing, plaintiff GAMAL ABDELAZIZ is entitled to compensatory damages in an amount to be fixed by a jury, and is further entitled to punitive damages against the individual defendants in an amount to be fixed by a jury.

Supplemental State Law Claims

93. Plaintiff repeats, reiterates, and realleges each and every allegation contained in paragraphs numbered "1" through "92" with the same force and effect as if fully set forth herein.

94. Within ninety (90) days after the claim herein accrued, plaintiff duly served upon, presented to and filed with the CITY OF NEW YORK, a Notice of Claim setting forth all facts and information required under the General Municipal Law 50-e.

95. The CITY OF NEW YORK has wholly neglected or refused to make an adjustment or payment thereof and more then thirty (30) days have elapsed since the presentation of such claim as aforesaid.

96. This action was commenced within one (1) year and ninety (90) days after the cause of action herein accrued.

97. Plaintiff has complied with all conditions precedent to maintaining the instant action.

98. This action falls within one or more of the exceptions as outlined in C.P.L.R. 1602.

AS AND FOR AN EIGHTH CAUSE OF ACTION
(Assault under the laws of the State of New York)

99. Plaintiff repeats, reiterates, and realleges each and every allegation contained in paragraphs numbered "1" through "98" with the same force and effect as if fully set forth herein.

100. As a result of the foregoing, plaintiff GAMAL ABDELAZIZ was placed in apprehension of imminent harmful and offensive bodily contact.

101. As a result of defendant's conduct, plaintiff GAMAL ABDELAZIZ has suffered physical pain and mental anguish, together with shock, fright, apprehension, embarrassment, and

humiliation.

102. As a result of the foregoing, plaintiff GAMAL ABDELAZIZ is entitled to compensatory damages in an amount to be fixed by a jury, and is further entitled to punitive damages against the individual defendants in an amount to be fixed by a jury, plus reasonable attorneys' fees, costs and disbursements of this action.

AS AND FOR A NINTH CAUSE OF ACTION
(Battery under the laws of the State of New York)

103. Plaintiff repeats, reiterates, and realleges each and every allegation contained in paragraphs numbered "1" through "102" with the same force and effect as if fully set forth herein.

104. Defendants made offensive contact with plaintiff GAMAL ABDELAZIZ without privilege or consent.

105. As a result of defendants' conduct, plaintiff GAMAL ABDELAZIZ has suffered physical pain and mental anguish, together with shock, fright, apprehension, embarrassment, and humiliation.

106. As a result of the foregoing, plaintiff GAMAL ABDELAZIZ is entitled to compensatory damages in an amount to be fixed by a jury, and is further entitled to punitive damages against the individual defendants in an amount to be fixed by a jury, plus reasonable attorneys' fees, costs and disbursements of this action.

AS AND FOR A TENTH CAUSE OF ACTION
(Malicious Abuse of Process under laws of the State of New York)

107. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs numbered "1" through "106" with the same force and effect as if fully set forth herein.

108. Defendants issued criminal process against plaintiff GAMAL ABDELAZIZ by causing him to be arrested, arraigned and prosecuted in criminal court.

109. Defendants caused plaintiff GAMAL ABDELAZIZ to be prosecuted in order to obtain a collateral objective outside the legitimate ends of the legal process, to wit: to avoid punishment for their acts of brutality.

110. As a result of the foregoing, plaintiff GAMAL ABDELAZIZ is entitled to compensatory damages in an amount to be fixed by a jury, and is further entitled to punitive damages against the individual defendants in an amount to be fixed by a jury, plus reasonable attorneys' fees, costs and disbursements of this action.

AS AND FOR AN ELEVENTH CAUSE OF ACTION
(Intentional Infliction of Emotional Distress under the laws of the State of New York)

111. Plaintiff repeats, reiterates, and realleges each and every allegation contained in paragraphs numbered "1" through "110" with the same force and effect as if fully set forth herein.

112. The aforementioned conduct was extreme and outrageous, and exceeded all reasonable bounds of decency.

113. The aforementioned conduct was committed by defendants while acting within the scope of their employment by defendant CITY OF NEW YORK.

114. The aforementioned conduct was committed by defendants while acting in furtherance of their employment by defendant CITY OF NEW YORK.

115. The aforementioned conduct was intentional and for the sole purpose of causing severe emotional distress to plaintiff GAMAL ABDELAZIZ.

116. As a result of the aforementioned conduct, plaintiff GAMAL ABDELAZIZ

suffered emotional distress, physical and mental injury, together with embarrassment, humiliation, shock, fright, and loss of freedom..

117. As a result of the foregoing, plaintiff GAMAL ABDELAZIZ is entitled to compensatory damages in an amount to be fixed by a jury, and is further entitled to punitive damages against the individual defendants in an amount to be fixed by a jury, plus reasonable attorneys' fees, costs and disbursements of this action.

AS AND FOR A TWELFTH CAUSE OF ACTION
(Negligent Screening, Hiring, and Retention under the laws of the State of New York)

118. Plaintiff repeats, reiterates, and realleges each and every allegation contained in paragraph numbered "1" through "117" with the same force and effect as if fully set forth herein.

119. Upon information and belief, defendant CITY OF NEW YORK failed to use reasonable care in the screening, hiring and retention of the aforesaid defendants who assaulted and battered and manufactured evidence against plaintiff GAMAL ABDELAZIZ.

120. Defendant CITY OF NEW YORK knew, or should have known in the exercise of reasonable care, the propensities of the individual defendants to engage in the wrongful conduct heretofore alleged in this Complaint.

121. As a result of the foregoing, plaintiff GAMAL ABDELAZIZ is entitled to compensatory damages in an amount to be fixed by a jury, and is further entitled to punitive damages against the individual defendants in an amount to be fixed by a jury, plus reasonable attorneys' fees, costs and disbursements of this action.

AS AND FOR A THIRTEENTH CAUSE OF ACTION
(Negligent Training and Supervision under the laws of the State of New York)

122. Plaintiff repeats, reiterates, and realleges each and every allegation contained in paragraphs numbered "1" through "121" with the same force and effect as if fully set forth

herein.

123. Upon information and belief the defendant CITY OF NEW YORK failed to use reasonable care in the training and supervision of the aforesaid defendants who assaulted and battered plaintiff, maliciously issued criminal process to plaintiff, and who deprived plaintiff of his right to a fair trial.

124. As a result of the foregoing, plaintiff GAMAL ABDELAZIZ is entitled to compensatory damages in an amount to be fixed by a jury, and is further entitled to punitive damages against the individual defendants in an amount to be fixed by a jury, plus reasonable attorneys' fees, costs and disbursements of this action.

AS AND FOR A FOURTEENTH CAUSE OF ACTION
(Negligence under the laws of the State of New York)

125. Plaintiff repeats, reiterates, and realleges each and every allegation contained in paragraphs numbered "1" through "124" with the same force and effect as if fully set forth herein.

126. Plaintiff's injuries herein were caused by the carelessness, recklessness and negligence of the defendant CITY OF NEW YORK and its employees and agents, who were on duty and acting in the scope of their employment when they engaged in the wrongful conduct described herein.

127. As a result of the foregoing, plaintiff GAMAL ABDELAZIZ is entitled to compensatory damages in an amount to be fixed by a jury, and is further entitled to punitive damages against the individual defendants in an amount to be fixed by a jury, plus reasonable attorneys' fees, costs and disbursements of this action.

AS AND FOR A FIFTEENTH CAUSE OF ACTION

(*Respondeat Superior* liability under the laws of the State of New York)

128. Plaintiff repeats, reiterates, and realleges each and every allegation contained in paragraphs numbered "1" through "126" with the same force and effect as if fully set forth herein.

129. Defendant CITY OF NEW YORK is vicariously liable for the acts of its employees and agents who were on duty and acting in the scope of their employment when they engaged in the wrongful conduct described herein.

130. As a result of the foregoing, plaintiff GAMAL ABDELAZIZ is entitled to compensatory damages in amount to be fixed by a jury, and is further entitled to punitive damages against the individual defendants in an amount to be fixed by a jury, plus reasonable attorneys' fees, costs and disbursements of this action.

WHEREFORE, plaintiff GAMAL ABDELAZIZ demands judgment and prays for the following relief, jointly and severally, against the defendants:

(A) full and fair compensatory damages in an amount to be determined by a jury;

(B) punitive damages against the individual defendants in an amount to be determined by a jury;

(C) reasonable attorneys' fees and the costs and disbursements of this action; and

(D) such other and further relief as appears just and proper.

Dated: Brooklyn, New York
June 6, 2014

LEVENTHAL & KLEIN, LLP
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By: ______________________
BRETT H. KLEIN (BK4744)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
--X

GAMAL ABDELAZIZ,

Plaintiff,

13 CV 7268
(SJ) (VMS)

-against-

CITY OF NEW YORK, MILKO MEJIA, Individually, VINCENT MUGNO, Individually, and JOHN and JANE DOE 1 through 10, individually and in their official capacities, (the names John and Jane Doe being fictitious, as the true names are presently unknown),

Defendants.

--X

AMENDED COMPLAINT

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